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Operating Engineers Pension Trust, et al.  
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8 UNITED STATES DISTRICT COURT  
9  
10 CENTRAL DISTRICT OF CALIFORNIA  
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12 TRUSTEES OF THE OPERATING  
ENGINEERS PENSION TRUST, et. al.

13 Plaintiffs,

14 vs.

15 CONCRETE CUTTING SPECIALIST,  
a California Corporation.

16 Defendant.  
17

CASE NO.: CV 08-04423 PA (JCx)

Discovery Assigned to Honorable  
Magistrate Judge Jacqueline Chooljian

**PROTECTIVE ORDER**

[NOTE BOLDDED CHANGES MADE  
BY COURT]

18 On August 12, 2008, plaintiffs Trustees of the Operating Engineers Pension  
19 Trust, Trustees of the Operating Engineers Health and Welfare Fund, Trustees of the  
20 Operating Engineers Vacation-Holiday Savings Trust and Trustees of the Operating  
21 Engineers Training Trust ("Trustees") served on non-party, Los Angeles Unified  
22 School District ("LAUSD") a subpoena ("Subpoena") seeking production of  
23 documents. Among other documents identified in the Subpoena, the Trustees  
24 requested production of unredacted certified payroll records ("Unredacted CPRs")  
25 prepared by defendant Concrete Cutting Specialist ("Concrete Cutting"). A copy of  
26 the Subpoena is attached hereto as Exhibit "1" and incorporated herein by this  
27 reference.  
28

1 The Unredacted CPRs contain Concrete Cutting's employees' names, addresses,  
2 and social security numbers ("Identification Information"). Although this  
3 Identification Information is confidential in nature, the Trustees require the  
4 information in order to calculate fringe benefit contributions owed by Concrete  
5 Cutting.

6  
7 **IT IS HEREBY ORDERED**, pursuant to the "Stipulation for Protective Order"  
8 entered into by and among the Trustees and the LAUSD, and good cause appearing  
9 therefore:

10 1. The LAUSD shall produce the Unredacted CPRs requested in the  
11 Subpoena within 30 days of the issuance of this order.

12 2. **Except as otherwise provided in this Order (see infra paragraphs 5,**  
13 **7) and absent further Court Order**, the Trustees shall not furnish, show, disclose or  
14 otherwise disseminate the Unredacted CPRs to any person except to: (a) the Trustees,  
15 their agents and employees; (b) counsel for the Trustees and office personnel assisting  
16 counsel in the preparation and trial of this action; and (c) experts and consultants who  
17 are assisting said counsel in preparation and/or trial. **Absent further Court Order,**  
18 **the Trustees shall not disclose or otherwise disseminate the Unredacted CPRs to**  
19 **the person(s) identified in subparagraphs (a) through (c) unless and until such**  
20 **person(s) agree(s) in writing to be bound by the terms of this Order.**

21 3. **Absent further Court Order**, the Unredacted CPRs may only be used  
22 for the purposes of calculating, collecting and allocating fringe benefit contributions  
23 allegedly owed by Concrete Cutting to the Trustees for work performed by employees  
24 of Concrete Cutting **and of litigating the foregoing issues in the instant federal**  
25 **action. Absent further Court Order**, the Unredacted CPRs may not be used for any  
26 other purpose by anyone, including those persons identified in Paragraph 2 herein.

27 4. The Unredacted CPRs produced pursuant to the Subpoena shall be  
28 maintained in the possession and control of the Trustees and the Trustees' counsel in

1 such a manner that the information is not accessible to individuals not bound by this  
2 order.

3 5. Unless the Court orders otherwise, the Trustees may only file the  
4 Unredacted CPRs with the Court after obtaining an order to seal pursuant to Local  
5 Rules 79-5.1 – 79-5.4.

6 6. The Trustees may redact the Unredacted CPRs by blocking out the  
7 Identification Information contained therein. The redacted CPRs, containing no  
8 Identification Information, may be provided to all third parties and may be filed with  
9 the Court without an order to seal.

10 7. In the event that the Trustees are ordered by a court or any state, federal  
11 or governmental unit to produce the Unredacted CPRs, they shall provide reasonable  
12 notice to the LAUSD, through their counsel, of that court order or command, so as to  
13 allow the LAUSD to file an appropriate opposition to such order or command.

14 **Nothing in this Order restricts or limits the Trustees' ability to comply with any**  
15 **such order or relieves the Trustees of its obligation to do so.**

16 8. The terms of this Order shall remain in full force and effect and shall not  
17 cease to be in effect because of the final adjudication of this litigation.

18 9. Upon resolution of this action in trial court, the Unredacted CPRs shall be  
19 held by Trustees' counsel pending final resolution of this litigation by appeal or  
20 otherwise. Within six (6) months after such final resolution, the Unredacted CPRs  
21 shall be shredded by the Trustees' counsel. The Trustees' counsel shall give the  
22 LAUSD, through its counsel, notice when the Unredacted CPRs have been shredded.

23 DATED: September 30, 2008

/s/

Hon. Jacqueline Chooljian

UNITED STATES MAGISTRATE JUDGE